

Ontological Holism Without Mental Holism: Bratman on Institutional Agency

Frank Hindriks

Abstract: In his recent book *Shared and Institutional Agency*, Bratman (2022) argues that institutional agents consist of a web of social rules that are shared among their members. I argue that Bratman is implicitly committed to ontological holism. In fact, his theory shows in a striking manner how an irreducibly collective entity can be constructed out of individualistic building blocks. I question, however, whether the kind of agents he is concerned with are institutions, as some do not have deontic powers of their own. I then go on to discuss why Bratman rejects mental holism. He argues that institutional agents form only a limited range of mental states. Furthermore, they need not act for a reason. Against this, I argue that it is difficult if not impossible to make sense of the notion of an intention without that of a reason. Furthermore, it provides a loophole for moral institutional agents to escape blame.

Keywords: collective agent, institutional agent, mental holism, ontological holism, shared policy, social rule

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Frank Hindriks, University of Groningen, E-mail: f.a.hindriks@rug.nl

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1. ONTOLOGICAL HOLISM WITHOUT MENTAL HOLISM: BRATMAN ON INSTITUTIONAL AGENCY

In his new book *Shared and Institutional Agency*, Michael Bratman (2022) extends his planning theory of intention from shared intentions to institutional intentions. People who do something together, such as going for a walk, act on a shared intention. In contrast, an institutional intention is the intention of an institutional agent, such as a book club or a company. Inspired by H.L.A. Hart's (1961) theory of social rules, Bratman argues that institutional agents consist of clusters of such rules. Furthermore, he explicates the notion of a social rule in terms of shared intentions or policies. Importantly, Bratman's theory of shared intentions is reductive (Bratman 2022, 131). On his view, they consist of interdependent, interlocking and mutually responsive individual intentions. Here I argue that his theory of institutional intentions and agents is not reductive. The reason for this is that institutional intentions belong to collective agents that are not reducible to their members. In fact, institutional agents can survive changes with respect to their members. Furthermore, they can as such perform actions and make things happen. It follows that Bratman is committed to ontological holism.

I go on to discuss mental holism, which plays an important role in Bratman's book. An individual intention is always accompanied by a motivating reason. Furthermore, such mental states will be part of a holistic web. They have content due to the relations they bear to each other. Bratman accepts these claims for individual agents, but he rejects them for institutional agents. Such agents form mental states by means of social rules of procedure. Using those procedures, they form only a limited range of goals along with acceptances and beliefs that are relevant to achieving them. In spite of this, the content of their mental states is determinate enough. This is due to the beliefs of their members. However, those members do not always agree with each other. In particular, they might disagree as to why an institutional agent should perform an action. In such cases, the agent might end up doing it for no reason at all. I observe that, if this is indeed possible, it creates a problem for praising or blaming institutional agents for such actions. After all, moral responsibility is intimately bound up with the reasons for which an action is performed. And I propose that institutional agents have an obligation to avoid performing actions without a reason.

In §2, I introduce Bratman's theory of institutions and institutional agency. And I argue that, *pace* Bratman, institutional agents need not themselves be institutions. In §3, I suggest that Bratman is (implicitly)

committed to *ontological* holism, which is striking as he has forcefully defended individualism with respect to shared intentions. In §4, I discuss why he (explicitly) rejects *mental* holism for institutional agents and why he denies that institutional agents always act for a reason. And I argue that it is difficult if not impossible to make sense of the notion of an intention without that of a reason. Finally, in §5, I address the problem this raises for corporate moral responsibility. In particular, the possibility of acting without a reason seems to provide a loophole for moral institutional agents to escape blame.

2. FROM SHARED TO INSTITUTIONAL AGENCY

2.1. Social Rules

Institutions involve behavioral regularities. But they are more than that. Hart (1961) illustrates this by contrasting drinking tea at breakfast and taking off your hat in church. Whereas the former is just a behavioral regularity, the latter is an institution, or in Hart's terms, 'a social rule.' Drinking tea at breakfast is a matter of individual preference. Taking off your hat in church is a requirement. This requirement or rule is social because it is supported by the members of the community. Hart proposes that the regularity is accepted as a standard that guides and justifies behavior and provides a basis for demands and criticisms.

But what does it mean for a regularity to be accepted as a standard? To explain this, Bratman contrasts two other examples: walking alongside of each other and walking together. People who just happen to walk next to one another act on individual intentions. In contrast, those who walk together act on a shared intention. This means that each has the intention that they ('we') do so. Furthermore, those individual intentions are interdependent, they interlock and they are mutually responsive. Bratman proposes that the notion of a shared intention can also be used to explain the difference between Hart's two examples and be used to illuminate the notion of a social rule.

However, rules are general, while ordinary intentions are restricted to particular situations. To account for this, Bratman invokes standing intentions or policies, which apply not just to a single occasion, but to some kind of situation, such as being in a church during a service. So, he proposes that social rules are shared policies. More precisely, he claims that a shared policy is sufficient for there to be a social rule. Furthermore, people who have such a policy are under rational pressure to act on them. This implies that someone who abandons the policy can be criticized for being irrational. In some cases, those who support a social rule do so against the background of the belief that

they ought to do so. In this way, Bratman accounts for the fact that social rules often come with deontic powers, social rights or obligations.

2.2. Institutional Agency

The main building block of Bratman's theory of institutional agency is the notion of a social rule of procedure. Such rules specify how to resolve certain practical problems (Bratman 2022, 99). They consist of shared policies to enact the procedure as well as shared policies to follow through with its output (2022, 101-02). Some social rules of procedure specify how to make a decision. Think, for instance, of majority voting or consensus formation. Other procedures involve roles or offices along with certain deontic powers, to wit social rights or obligations. Typically, they include social rules that accord authority to those who occupy the roles or offices, which can be hierarchically related. Furthermore, there might be higher-order rules that adjudicate conflicts among the outputs of lower-order ones. Bratman proposes that an institutional agent consists of "a web of social rules of procedure" (2022, 127).¹

As social rules of procedure are a kind of shared policy, Bratman ultimately explicates institutional agency in terms of shared intentions. But how widely are they shared? Bratman recognizes that some might engage in the relevant behavior, not because they are party to a shared policy, but for strategic or personal reasons. To allow for this, he introduces a distinction between a kernel and a penumbra. The members who belong to the kernel share the intention. Because of this, they are subject to certain demands and criticisms. But those in the penumbra merely adjust their behavior to what is expected of them, given the shared policies that are in place. They might do so just in order to collect a paycheck at the end of the month. In some such cases, they are not subject to the criticisms that might apply to kernel-participants who deviate from the rule (2022, 59-85).

A social procedure for decision-making can be used to generate output that functions like an intention (2022, 134). For it to do so, inconsistencies among such outputs must be filtered out, perhaps by means of a higher-order adjudicative social procedure. Furthermore, they have to organize downstream

1 The social rules that make up a web interlock. Yet, the webs of different institutional agents might overlap, for instance when different medical schools coordinate admissions. If a web of social rules is 'sufficiently rich,' it constitutes an institutional agent of its own (Bratman 2022, 119). Interestingly, Bratman allows for gaps in the procedural rules of an institutional agent (Bratman 2022, 117).

thought and action.² This in turn requires the members to intend to follow through on them. Although they can be, such supporting intentions need not be shared by all those who participate in the social rules at issue. Yet, Bratman takes the outputs of the procedure to be intertwined with member intentions (2022, 14). If the outputs of the procedure do indeed function as intentions, the web of social rules constitutes an institutional agent.³

Thus, Bratman develops a theory of institutional agency by ‘scaling up’ his plan-theoretic account of shared intentions and ‘merging’ it with a Hartian account of social rules (2022, 140–41). This theory features a model of the kind of rule-guidance that Bratman regards as characteristic of ‘institutional organization’ or ‘organized institutions’ (2022, 100).

2.3. Collective or Institutional Agency?

Within social ontology, agents with multiple members are commonly referred to as ‘collective agents’ or ‘group agents.’ Bratman uses the term ‘institutional agent’ instead. The reason for this is that he regards institutional agents as organized institutions (2022, 100, 197). But why? And does he mean to imply that all collective agents are institutions? This would be a rather strong claim.

Bratman does not explicitly define the notion of an institution. However, as just mentioned, he takes an organized institution to consist of “an institutional web of social rules of procedure.” (2022, 127) Presumably, this is because he conceives of an institution as a social rule. However, this does not imply that a web of social rules is itself an institution. To infer this is to commit the fallacy of composition. Neither hydrogen (H) nor oxygen (O) is wet. Yet, H₂O is. And a pack of wolves is actually less dangerous than a lone wolf. Hence, a web of *X*s need not itself be an *X*. I belabor this point because I believe that collective agents need not be institutions.

At some point, Bratman claims that some institutional agents can “be individuated by background structures of law” (2022, 119). Furthermore, such background structures “may unify multiple, interlocking social procedural rules within the web of a single institution” (2022, 120). Presumably, he has in mind organizations such as ministries, police departments, foundations and universities. These are institutions in that they have a status along with

² As Bratman puts it, institutional intentions “stably pose problems, filter solutions, and thereby frame, coordinate, organize, and make sense of temporally extended, individual, and social thought and action” (Bratman 2022, 159).

³ The outputs of the social rules of procedure of an institutional agent can also be acceptances or beliefs, depending on whether they are suitably sensitive to evidence (Bratman 2022, 139).

deontic powers (Searle, 1995). For instance, corporations and foundations have different statuses. This is reflected in the deontic powers they have. The former can make profit, while the latter are barred from doing so. In light of this, I call them ‘status agents’ (Hindriks, 2008).

However, not all collective agents have statuses. For instance, the book club of which I am a member does not. To appreciate what difference this makes, note that the deontic powers of status agents pertain to the relations they have with relative outsiders. As such, they depend primarily on external recognition, which my book club does not. Thus, statuses that collective agents have as such expand the things that they can do in their environment. As my book club does not have such a status, it is an organization, but not an institution.

A further complication is that not all status agents are collective agents. To appreciate this, consider Searle’s claim that corporations are created “out of thin air” (Searle 2010, 98). Similarly, he maintains that there is nothing that counts as the corporation (Searle 2005, 17). Bratman (2022, 131) claims that this is in tension with his theory. Institutional agents consist of an institutional web of social rules that guide their members (2022, 131). If such an agent has a status, it is imposed on something rather than nothing.

However, corporations need not be institutional agents in Bratman’s sense. The thing to note is that a corporation exists as soon as the secretary of state has processed the articles of incorporation. But at this point, there need not yet be an organization. The members they have might occupy offices but only on paper. In that case, they do not yet accept that they have them—they have not accepted the relevant social rules. Bratman’s theory does not apply to organizations of this kind. The reason for this is that, when they exist merely on paper, corporations are not yet agents. Because of this, they are not yet able to have intentions. The upshot is that corporations do not always start out as institutional agents.⁴

In light of this, I conclude that Bratman’s theory of institutional agents is first and foremost a theory of collective agents. It applies to status agents only if they are also collective agents, but not to status agents that—on closer inspection—turn out not to be agents at all. Furthermore, the theory has little to say about what distinguishes status agents from collective agents. Status agents are institutions as such. Collective agents are institutional phenomena

⁴ This does not mean that corporations are created out of thin air, as Searle claims. Corporations have members from the very beginning, even if only those who create them. Furthermore, those members constitute a collective. And it might be that this collective counts as a corporation, even if it is not an agent.

in that they consist of institutions. Thus, they are institutions at best in this derivative or insubstantial sense.⁵

3. ONTOLOGICAL HOLISM

According to ontological individualism, all social entities can be reduced to individual agents and their properties (List and Spiekermann, 2013). This means that, strictly speaking, there are no social entities. Hence, social events cannot be causes. In contrast, ontological holism is the view that some social entities are irreducibly collective. This has two implications. First, if a social entity is irreducible, it can stand in causal relations to other social entities. Second, as they are not identical to one another, social entities can remain the same even though the individual entities who constitute them change. Thus, social causation and social persistence the two marks of ontological holism, or so, I propose. They are two features by which one can recognize that a theory is committed to this view.

Proponents of ontological holism sometimes postulate holistic primitives. They then argue that, in order to make sense of the social phenomenon at issue, it has to be assumed that the relevant entity exists. Insofar as acting together is concerned, examples include joint commitments (Margaret Gilbert) and ‘biologically primitive’ collective intentions (John Searle). Bratman (2014) has been very critical of these theories. He regards it as an advantage of his own theory of acting together that it does not invoke such notions.

Now, his theory of institutional intentions and institutional agency is also constructed out of individualistic elements. As it does not feature holistic primitives, Bratman characterizes it as ‘broadly individualistic’ and as ‘reductive in spirit’ (2022, 87, 178). However, as I see it, Bratman has good reason to include the qualifications ‘broadly’ and ‘in spirit.’ The reason for this is that his theory does exhibit the two marks of ontological holism. Importantly, his theory does not feature holistic primitives. Presumably, this is what he has in mind when he describes his theory as offering ‘a constructive reduction.’ Individual agents and their interrelations are all that is needed for building an institutional agent. But this makes it all the more important to recognize that, ontologically, the theory is non-reductive. As I see it, Bratman’s theory of institutional agency nicely illustrates how a theory can be ontologically holist without using holist primitives. And it reveals that this view need not

⁵ Bratman could, for instance, claim that a web of institutions is itself an institution. This would make it more difficult to draw a distinction such as the one I have just defended, that between (ordinary) collective agents and status agents.

be ‘mysterious.’ This reveals that the costs of accepting ontological holism are not as high as it is often thought.⁶

Bratman addresses the question of persistence with respect to shared intentions and institutional intentions. He claims that shared intentions are as such ‘diachronically fragile’ with respect to changes in participants (2022, 59). Suppose you and I plan to drive to San Francisco together. But then you change your plans and I find someone else to join me. In this scenario, our shared intention ceases to exist and I form a new one with the other person. In contrast, institutional intentions and institutional agents are ‘diachronically robust’ with respect to changes in participants (2022, 172). Imagine that the San Francisco Police Department plans to double its foot patrols, as it did in 2017. It may well be that, this intention remains in place even if a police officer retires. Furthermore, the institutional agent itself can retain its identity in spite of changes in their membership.

As a consequence, institutional agency cannot be directly understood in terms of shared intentions:

Shared intentions normally are too limited, too partial, too transitory, and too cross-cutting, and involve too much divergence of background projects and reasons, [...] to help constitute a group intentional agent. (Bratman 2022, 177)

Bratman maintains that those who form and act on an intention share their agency. They thereby form a unit of action. The term ‘shared agency’ could be taken to imply that the very act of forming a shared intention transforms the individuals involved into an agent. The passage just cited reveals that this is not what he means. Shared intentions do not as such persist. Hence, those who share an intention do not thereby form a distinct agent. In §5, I discuss another reason: it is impossible for an agent to have just a single mental state.

Like institutional agents, social rules are robust with respect to changes at the individual level. They typically retain their identity when the groups that participate in them change. For instance, the rules of the road do not change just because someone gets a new driver’s license (Bratman 2022, 60). So, the challenge is to explain how shared intentions or policies can be made to persist. To explain this, Bratman proposes that the shared policies that constitute social rules form a diachronic network or a system of cross-temporal interrelations. Such a network is maintained, among others, by teaching and learning. In this

⁶ Ontological holism is frequently characterized as ‘mysterious’ and sometimes as ‘bizarre’ (Miller, 2001; Rönnegard and Velasquez, 2017; Marmor, 2022).

way, shared intentions that are as such fragile can be made to persist over time. Compare this to fibers that are as such weak. They can be twisted into a cohesive whole and make for a strong rope.

Institutional agents consist of networks of social rules. And the outputs of some such rules function as intentions. Bratman goes on to argue that an institutional intention can but need not itself be supported by shared intentions. What matters instead is that, in one way or another, they guide the behavior of the members of the institutional agent (2022, 182). Furthermore, the institutional intention itself persists over time. It follows that the persistence of institutional agents can be understood in individualist terms. But this does not mean that institutional agents can be reduced to individual agents and their properties.

As just discussed, persistence is one of the marks of irreducibility. The fact that Bratman's theory conceptualizes institutional agents as persisting over time supports an ontologically holist interpretation of it. The same holds for the fact that institutional agents can make things happen. Due to their intentions, they can as such stand in causal relations to other entities that cannot be reduced to relations among individuals. Bratman argues that "the persisting intention induces guidance by an intentional agent" (2022, 173). Because of this, a social media company can assist in the dissemination of hate speech, a car manufacturer can phase out the production of gasoline cars and a medical institution can send medical supplies to a city.

Thus, Bratman's theory exhibits the two marks of ontological holism. First, institutional agents persist over time in spite of changes in their membership. Second, institutional agents can perform actions as such and make things happen. What is more, his theory reveals how irreducibly collective agents can be constructed out of shared policies and therefore ultimately out of individual intentions. As he does not invoke holist primitives, Bratman defends a particularly plausible version of ontological holism.

4. TWO DOGMAS OF INTENTIONAL ACTION

According to Donald Davidson (2001), a defining characteristic of an intentional agent is that they have a holistic web of mental states. Furthermore, any intentional action is performed for a reason. Both of these claims are widely accepted within the philosophy of action. Although he accepts them for individual agents, Bratman rejects them for institutional agents. So, he claims that Davidson was wrong when he defended them as claims about intentional agents and actions in general (Bratman 2022, chs. 9-11). If Bratman is right,

they can suitably be characterized as ‘two Davidsonian dogmas of intentional action.’⁷

The first dogma is that of holism about the mental: intentional agents possess an extended web of closely interrelated mental states. The reason for this is that a single belief is not a belief at all. If I believe there is a university in Palo Alto, I must have beliefs about students and professors, about courses and degrees. Without such accompanying beliefs, my apparent belief that there is a university in Palo Alto has no content. Suppose next that I intend to give a lecture there. This also implies that I have a web of associated mental states. Without it, I cannot have a mental state with a content that is determinate enough for it to fulfill the characteristic functional roles of an intention. In Bratman’s terms, the claim is that intentional agents are ‘dense holistic subjects.’⁸

The second dogma is that any intentional action is performed for a reason. The underlying idea is that intentions are formed on the basis of reasons. Furthermore, those reasons make the actions of an agent intelligible. They can be explained in terms of those reasons. Even so, someone might claim they did something for no reason. Suppose that it is sunny when I arrive in San Francisco. And I buy ice-cream. When someone asks me why I did that, I might say: “For no reason.” But what I mean is: for no reason other than that I felt like it. In other words, there is nothing that justified my action other than my preferences. In such cases, I have at least a motivating reason for doing what I did. If the second claim is false, there can be cases where not even this is the case.

According to Bratman, institutional agents form mental states by means of social procedures. They use those procedures to form a number of goals along with beliefs (and acceptances) that are relevant to achieving them. Because of this, institutional agents have only a limited range of mental states. Hence, institutional agents are not dense holistic subjects.⁹ At this point, it would

⁷ Earlier, Bratman (1987) argued against Davidson’s reduction of intentions to primary reasons or belief-desire pairs and in favor of future-directed intentions as a distinct kind of mental state (Bratman 2022, 194).

⁸ In §3, I discussed how shared intentions are too transitory to constitute institutional agents. What this discussion reveals, is that a single mental state does not make for an institutional agent.

⁹ In this respect, Bratman disagrees with List and Pettit when they argue that “if a group is to perform robustly as an agent, it must generally avoid attitudinal incompleteness” (List and Pettit 2011, 53). In other words, he rejects what he calls “the condition of induced rational completeness” (Bratman 2022, 165). Other proponents of holism about the corporate mind are Tollefsen and Rovane.

be natural to conclude that organized institutions cannot be agents. Bratman argues instead that, insofar as institutional agents are concerned, holism about the mental is not needed to account for the content of their mental states. They have members who agree on many issues. And when they do so, their beliefs help fix the content of the mental states of the institutional agent. As a consequence, their content is determinate enough. Hence, institutional agents need not be dense holistic subjects in order for their mental states to have content.

However, the members of an institutional agent are likely to disagree about some issues. It might be, for instance, that, even though they accept a social rule of procedure, they do so for different reasons (Bratman 2022, 80). Furthermore, there can be widespread disagreement about the rationale of an action. And an institutional agent might refrain from forming an opinion about the matter, if only to avoid conflict among its members. In such situations, institutional agents form intentions by means of their procedures without there being a reason for which they act. And they might act on such intentions. Thus, it can be that an institutional agent acts but not for a reason of its own (2022, 181). In light of this, Bratman also rejects the second Davidsonian dogma of intentional action.

This view faces a number of problems. First, actions performed for no reason are unintelligible, both for others and for the agent themselves. Bratman seems to bite this bullet and accept that institutional agents are not always intelligible (2022, 192-93). The second problem concerns motivation. Why would an intention move the agent to action if it is baseless? Other things being equal, it is rational for an agent to act on their intentions. However, one of those other things is presumably that it had a reason for forming the intention. At least if it knows that it is not aware of any, it is difficult to see how the intention can still motivate or even persist. Third, how can an intention provide rational guidance if it is not based on a reason? And when would it be appropriate to reconsider it? These considerations suggest that rejecting the second Davidsonian dogma is problematic after all. All these problems have a common source. Bratman describes institutional intentions only in terms of their downstream effects, to wit their outputs. However, a functional characterization should also specify their inputs.¹⁰

10 A referee suggested that the problem generalizes to shared intentions. However, they are interlocking individual intentions. And it is perfectly intelligible if each individual who partakes in a shared action has their own reason for their intention. Furthermore, such reasons can motivate. Finally, they form the input of these individual intentions.

Thus, the fact that he rejects the two dogmas seems to make Bratman's theory incoherent. At the same time, he mitigates the consequences of doing so by requiring that institutional agents have a standpoint (Bratman 2022, 174–78). One way in which an institutional agent can satisfy this condition is by having a will of its own, as Frankfurt (1988) conceives of it. The idea is that an agent might have desires about the desires they have. Suppose someone likes biking and also values the activity. They will then desire to bike, desire to have this desire and want this desire to be effective. Desires that align in this way are second-order volitions. And such desires are particularly important for the will of an agent. In fact, agents that have second-order volitions thereby have a will of their own.

By requiring institutional agents to have a standpoint, Bratman substantially lowers the costs of rejecting the two dogmas. First, a standpoint is a substitute for a dense holistic web of mental states. Second, it implies that acting without a reason will be the exception rather than the rule. Note that, although an institutional agent has to have a standpoint, it need not have a Frankfurtian will. This is sufficient for an institutional agent to have a standpoint, but not necessary.

More generally, Bratman pursues a 'strategy of sufficiency.' He regards institutional agency as multiply realizable. This is an important reason why the social rule model applies to a wide range of institutional agents, instead of all of them (2022, 63). Its conditions are too strong to be necessary (2022, 128). However, there can also be organizations without a standpoint. Although Bratman does not say so explicitly, this implies that there can be organizations that lack agency. His theory is restricted to those organizations that are agents. This deserves to be highlighted, because the presumption usually is that, if organizations can be agents, all of them will be.

What is more, proponents of collective agency often assume that all collective agents are moral agents (French, 1984; Pettit, 2007; Copp, 2020).¹¹ This raises the question whether institutional agents are, or at least can be moral agents. After considering this issue in the next section, I go on to argue that it is problematic for an institutional moral agent to act without a reason.

11 See Hindriks (2018; forthcoming) for a discussion of non-moral collective agency. There I use the notion of a normative perspective or a moral point of view, which closely resembles Bratman's notion of a standpoint.

5. CORPORATE MORAL RESPONSIBILITY

According to Frankfurt, an agent that has a will of its own has a free will. As such, it is a moral agent with moral responsibilities. As just discussed, Bratman maintains that institutional agents can have a will of their own in Frankfurt's sense. When combined, these claims imply that institutional agents with a will of their own are moral agents. However, Bratman believes that things are more complicated than this. In particular, he does not take himself to have provided sufficient conditions for institutional moral agency (2022, 169, 184). Instead, he claims that his account only provides "a partial ground for institutional moral accountability" (2022, 228n2). This implies that institutional agents with a will of their own are not thereby moral agents. At the same time, it strongly suggests that Bratman believes they can be.

Importantly, moral responsibility is intimately bound up with the reasons for which agents act. Presumably, a moral agent is answerable for the actions they perform because they have reasons for those actions, which they can, at least in principle, offer in response to requests for justification. Furthermore, acting for the right reason is a necessary condition for being praiseworthy. And it may well be that an agent is blameworthy only if they failed to do so. These considerations suggest that, if a moral agent does something for no reason, it is not answerable for that action. Furthermore, if the action is wrong, it will be excused. But is this indeed the case?

Imagine an institutional agent who fires an employee for no reason. Normally, this is an action for which an agent is to blame. So, if the fact that it acted for no reason excuses it, the institutional agent will escape blame. But individual agents would be blameworthy in rather similar situations. After all, the closest possible world in which an individual agent would fire someone, perhaps a cleaner, is one where they do so just because they felt like it. In light of this, one might worry that the possibility of acting without a reason creates a loophole for institutional agents and thereby a strategy to escape blame. I consider this idea of a loophole in more detail to see whether acting without a reason does indeed excuse.¹²

To this end, I embellish the example just mentioned. Suppose that the other employees agree that the individual at issue should be fired. Yet, there is widespread disagreement among them about why. Furthermore, the institutional agent refrains from considering the issue. If it performs the actions under these conditions, it does so for no reason. However, by hypothesis, it does

12 Pettit (2017) invokes so-called 'responsibility gaps' to argue that collective agents are subject to responsibility loopholes.

not consider the reasons for and against the action in order to escape blame. By doing so, they omit forming a motivating reason. It follows that, if it succeeds to act without a reason, it does so, in a sense, on purpose. And if it is brought about intentionally, a condition that normally excuses no longer does so.¹³ Assuming there are no other defeating conditions, the institutional agent will be to blame.

The other thing to appreciate is that, if an institutional agent does something in order to avoid blame, they must know that the action it plans to perform is morally wrong. This means that they already know they should not perform it. And knowingly doing the wrong thing is blameworthy. Hence, the strategy fails.

But perhaps the members hope to get away with certain actions by getting the institutional agent to do it for no reason. The idea would be that they might escape blame because the institutional agent does so. In one version of this scenario, all of them believe that an action is wrong, the institutional agent will inherit this belief (Bratman 2022, 181). This implies that the institutional agent ends up doing something wrong intentionally. And it will be to blame because of this. In a second version, only a minority of the members realize that the action is wrong. They get the institutional agent to refrain from considering the reasons for and against that action. As a consequence, it performs the action for no reason. Now, it may be that, in such cases, the institutional agent is not to blame. But what about the minority of members who manipulate it? They are to blame, if not for the action itself, then for something akin to aiding and abetting. Hence, the strategy fails once again.

However, the main reason for believing there are no loopholes is a moral one. If it is possible to act without a reason, then it is irresponsible to do so. Elsewhere, I argue that collective moral agents have “a duty of accountability” (Hindriks, n.d.). This is the second-order obligation of an agent to ensure that it is in a position to fulfill its first-order obligations. It requires collective agents to organize themselves in certain ways. For instance, they must have a coherent system of roles that are well attuned to each other. Here I propose that they also ought to take sufficient care to consider the (normative) reasons they have. This means that, in principle, institutional agents should avoid performing actions without a reason. Given the right background motivation and appropriate epistemic conditions, doing so is conducive to making the right decisions. And

13 In this respect, the example is analogous to the drunk driver. They have an excuse because their agential capacities are impaired at the moment when they cause an accident. But they are to blame all the same, because they should have avoided getting themselves in this situation.

this is meant to ensure that their actions are guided by the right reasons. The upshot is that there is no loophole. Institutional moral agents cannot escape blame by acting without a reason.

6. CONCLUSION

According to Bratman, institutional agents consist of clusters of social rules of procedure. They rely on those procedures to form thoughts and to perform actions. Bratman proposes that they are standing intentions or policies that are shared among many of their members. Just as individual agents, institutional agents make decisions that issue in intentions. Furthermore, they have a will or a standpoint that structures their thoughts and actions. But they differ from them in two important respects. First, they are not dense holistic subjects. Second, they can perform actions for no reason. It follows that, insofar institutional agents are concerned, Bratman rejects mental holism.

At the same time, Bratman's theory can plausibly be interpreted as a kind of ontological holism. To be sure, he explicates its main building block, the notion of a social rule, in terms of shared policies, which reduce to individual intentions. Yet, the intentions of institutional agents do not reduce to individual intentions. They are implicated in causal processes at the social level when they act on them. Furthermore, they can persist in spite of changes in membership. It follows that institutional agents are irreducibly collective. Thus, Bratman shows in a striking manner how an irreducibly collective entity can be constructed without invoking any holist primitives.

Against this background, I have asked why Bratman regards the agents he is concerned with as institutions. And I have argued that only those that have a status as such, along with deontic powers, can plausibly be regarded as such. Furthermore, I have questioned the idea that agents can have intentions that are not based on a reason. Reasons form the input of intentions. Because of this, they cannot be satisfactorily characterized in terms of their outputs only. Finally, I have argued that, if there can be institutional moral agents, they ought to avoid acting without a reason. Blame concerns the reasons for which an agent acts. Hence, the notion of acting without a reason creates a loophole for institutional agents to escape blame.

Now, Bratman does not present an account of institutional moral agency. However, the few things he says about the topic are important. In this context, moral agency is often equated with rational or reflective agency (Copp, French, Hess, List and Pettit). However, as Bratman conceives of them, institutional agents can meet all these conditions and more. Yet, this does not make them

moral agents. If he is right, many of the existing accounts of collective moral agency are too permissive. In light of this, I hope he will say more about what is required for institutional moral agency. Bratman's rich and innovative account of collective agency deserves to play a central role in debates about collective (moral) agency for years to come.

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